

MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE:	(Second Reading: 11-4-25) July 1, 2025
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to animals; amending section 5-16 of the Code; allowing the County to opt out of regulations relating to peafowl as to any designated area in the unincorporated area; approving the District 12 Unincorporated Area Peafowl Mitigation Policy and providing for the funding to implement such policy

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez and Co-Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: November 4, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Peafowl as to Any Designated Area

It is not anticipated that the approval of this proposed ordinance will have a fiscal impact to Miami-Dade County. The proposed ordinance establishes an opt-out provision for unincorporated areas, excludes County Commission District 12 unincorporated areas from this section of the Code and adopts a Peafowl Mitigation Policy for the District 12 unincorporated area in the public right-of-way and Miami-Dade County owned property. The District 12 Peafowl Mitigation Policy will be funded by a District 12 fund approved by the Board. For private property, the peafowl mitigation costs will be the responsibility of property and business owners.

A blue ink signature, appearing to read "James Reyes", written in a cursive style.

James Reyes
Chief Public Safety Officer

Memorandum



Date: November 4, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Amending Section 5-16 of the Code of Miami-Dade

The proposed ordinance may provide a social benefit to property and business owners with the discretion to humanely manage peafowl located on their property in the same manner as any other nonnative nuisance wildlife, such as humane sterilization and/or relocation. Additionally, the proposed ordinance may provide a social benefit for Miami-Dade County Commission District 12 residents by allowing District 12 the discretion to humanely manage peafowl located on public property.

Participating municipalities and their property owners are responsible for contracting with a [Nuisance Wildlife Control Operator](#) listed with [Florida Fish & Wildlife Commission](#) and who must follow all applicable rules and regulations concerning nuisance wildlife removal.

A blue ink signature of James Reyes, consisting of a stylized, cursive "JR" followed by a horizontal line.

James Reyes
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: November 4, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- _____ **"3-Day Rule" for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____)** to approve
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
11-4-25

ORDINANCE NO. _____

ORDINANCE RELATING TO ANIMALS; AMENDING SECTION 5-16 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING THE COUNTY TO OPT OUT OF REGULATIONS RELATING TO PEAFOWL AS TO ANY DESIGNATED AREA IN THE UNINCORPORATED AREA; APPROVING THE DISTRICT 12 UNINCORPORATED AREA PEAFOWL MITIGATION POLICY AND PROVIDING FOR THE FUNDING TO IMPLEMENT SUCH POLICY; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, peafowl, more commonly known as peacocks or peahens, are a non-native, invasive species that has inhabited the streets and natural areas of Miami-Dade County for years, and their population only continues to grow in certain areas; and

WHEREAS, peafowl are a nuisance to residents and businesses in Miami-Dade County, destroying landscaping, damaging property, and emitting loud noises, all of which negatively impact the quality of life and economy of the County; and

WHEREAS, indeed, property damage caused by peafowl could potentially have adverse consequences for homeowners attempting to obtain affordable homeowners insurance; and

WHEREAS, “take” is a term of art defined by section 5-16 of the Code of Miami-Dade County, Florida, as “taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs”; and

WHEREAS, section 5-16, originally adopted in September 2001 in Ordinance No. 01-132, makes it unlawful for any person to take any peafowl, except when (i) done on property zoned for agricultural use and used for a bona fide agricultural purpose or (ii) a property owner removes peafowl from his or her own property in a manner that does not physically injure the peafowl; and

WHEREAS, even when a property owner removes peafowl from his or her property in a manner that does not physically injure the peafowl, state law does not allow the property owner to release the peafowl back into the wild because peafowl are non-native, and therefore the property owner's only choices are to euthanize the peafowl or relocate it to a place of captivity; and

WHEREAS, in July 2016, this Board adopted Resolution No. R-671-16, directing the County Mayor to investigate potential receiving facilities for the relocation of nuisance peafowl removed by the Animal Services Department at the request of property owners; and

WHEREAS, after thorough investigation, the County was unable to identify any receiving facilities that would accept peafowl; and

WHEREAS, section 5-16 of the Code limits the options that property owners would otherwise have to deal with peafowl, leaving residents and business owners severely restrained from combatting a detrimental nuisance; and

WHEREAS, because section 5-16 of the Code, despite its good intentions, had not allowed County communities to live in harmony with peafowl, this Board adopted Ordinance No. 22-14, which amended section 5-16 to allow municipalities to opt out of section 5-16 by adopting a peafowl mitigation plan that provides for humane removal of peafowl, provided that the plan is also approved by action of this Board; and

WHEREAS, this Board has since approved peafowl mitigation policies for the City of South Miami, the Village of Pinecrest, and the City of Coral Gables; and

WHEREAS, because the same problems caused by peafowl may negatively impact unincorporated areas of the County, this Board wishes to amend section 5-16 to allow the County to opt out of section 5-16 as to any designated area in the unincorporated area for which this Board has approved a peafowl mitigation plan; and

WHEREAS, the unincorporated area in County Commission District 12 has been beset by feral peafowl that have destroyed landscaping, damaged property, and emitted loud noise; and

WHEREAS, this Board finds that the Miami-Dade County Commission District 12 Unincorporated Area Peafowl Mitigation Policy attached to this resolution provides for humane removal of peafowl; and

WHEREAS, this Board therefore approves the District 12 Unincorporated Area Peafowl Mitigation Policy in accordance with section 5-16(d) of the Code, as amended by this ordinance,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 5-16 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 5-16. - Taking of peafowl prohibited; municipal >>and designated unincorporated area<< opt-out.

- (a) It shall be unlawful for any person to take any peafowl.
- (b) As used in this section, "take" means taking, attempting to

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs.

(c) Exceptions.

(1) The prohibitions of this section shall not apply on property zoned for agricultural use and used for a bona fide agricultural purpose.

(2) Nothing in this section shall prevent a property owner from removing peafowl from his or her own property in a manner that does not physically injure the peafowl.

(d) Notwithstanding the foregoing, a municipality>>, or the County as to any designated area in the unincorporated area,<< may opt out of this section by adopting a peafowl mitigation plan that provides for humane removal of peafowl, provided that the plan is also approved by action of the Board of County Commissioners. Such opt-out shall become effective upon the Board of County Commissioners' approval becoming effective.

Section 3. This Board approves the Miami-Dade County Commission District 12 Unincorporated Area Peafowl Mitigation Policy, a copy of which is attached hereto and incorporated herein by reference. Implementation of such policy on public rights-of-way and Miami-Dade County-owned property in the unincorporated areas of District 12 shall be funded by allocation from a District 12 fund to be approved by this Board.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision but excluding section 3, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

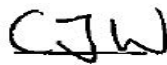
Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Christopher J. Wahl

Prime Sponsor: Commissioner Juan Carlos Bermudez

Co-Sponsor: Commissioner Raquel A. Regalado

Miami-Dade County Commission District 12 Unincorporated Area Peafowl Mitigation Policy

This Policy is established pursuant to section 5-16(d) of the Code of Miami-Dade County, Florida, and formalizes County Commission District 12's approach to addressing the proliferation of peafowl in the unincorporated areas of County Commission District 12.

Private Property

Residents and business owners may contract with a private entity that specializes in the humane removal of peafowl to remove and relocate peafowl from their property. Peafowl, their nests, and eggs may not be harmed or killed in the process of such removal and relocation. This policy is not intended to address any nuisance animal complaints related to privately owned property. Complaints about nuisance animals, including but not limited to peafowl, may be addressed to the Miami-Dade Animal Services Department, the Florida Fish and Wildlife Conservation Commission, or other appropriate authority.

Public Right-of-Way and Miami-Dade County-Owned Property

County Commission District 12 may contract with a private entity that specializes in the humane removal of peafowl to remove and relocate peafowl from public rights-of-way and Miami-Dade County-owned property in the unincorporated areas of County Commission District 12. Peafowl, their nests, and eggs may not be harmed or killed in the process of such removal and relocation.

County Commission District 12 will also research and investigate options to professionally and humanely sterilize or neuter peafowl to manage population in the unincorporated areas of County Commission District 12 without causing harm or death to peafowl, their nests, or eggs and, if such a program would be feasible, may implement such a program.